

CERTIFICATION OF ENROLLMENT

SENATE BILL 5271

Chapter 2, Laws of 2003

58th Legislature
2003 2nd Special Session

OCCUPATIONAL HEARING LOSS

EFFECTIVE DATE: 9/10/03

Passed by the Senate June 11, 2003
YEAS 25 NAYS 13

BRAD OWEN

President of the Senate

Passed by the House June 11, 2003
YEAS 69 NAYS 21

FRANK CHOPP

Speaker of the House of Representatives

Approved June 20, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5271** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

June 20, 2003 - 8:50 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5271

Passed Legislature - 2003 2nd Special Session

State of Washington

58th Legislature

2003 Regular Session

By Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries

Read first time 01/21/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to claims for hearing loss due to occupational
2 noise exposure; and amending RCW 51.28.055.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section for claims
7 filed for occupational hearing loss, claims for occupational disease or
8 infection to be valid and compensable must be filed within two years
9 following the date the worker had written notice from a physician:
10 ((+1+)) (a) Of the existence of his or her occupational disease, and
11 ((+2+)) (b) that a claim for disability benefits may be filed. The
12 notice shall also contain a statement that the worker has two years
13 from the date of the notice to file a claim. The physician shall file
14 the notice with the department. The department shall send a copy to
15 the worker and to the self-insurer if the worker's employer is self-
16 insured. However, a claim is valid if it is filed within two years
17 from the date of death of the worker suffering from an occupational
18 disease.

1 (2)(a) Except as provided in (b) of this subsection, to be valid
2 and compensable, claims for hearing loss due to occupational noise
3 exposure must be filed within two years of the date of the worker's
4 last injurious exposure to occupational noise in employment covered
5 under this title or within one year of the effective date of this
6 section, whichever is later.

7 (b) A claim for hearing loss due to occupational noise exposure
8 that is not timely filed under (a) of this subsection can only be
9 allowed for medical aid benefits under chapter 51.36 RCW.

10 (3) The department may adopt rules to implement this section.

Passed by the Senate June 11, 2003.

Passed by the House June 11, 2003.

Approved by the Governor June 20, 2003.

Filed in Office of Secretary of State June 20, 2003.